



**Testimony to the Government Administration and Elections Committee**

**Submitted by Mag Morelli, President, LeadingAge Connecticut**

**March 2, 2015**

**Regarding**

**Senate Bill 949, An Act Improving Data Security and Agency Effectiveness**

As the President of LeadingAge Connecticut, a statewide membership organization representing mission-driven and not-for-profit provider organizations serving older adults across the continuum of long term care, services and supports and including not-for-profit skilled nursing facilities, residential care homes, home health care agencies, hospice agencies, adult day centers, assisted living communities, senior housing and continuing care retirement communities, I would like to submit the following testimony raising some general concerns with *Senate Bill 949, An Act Improving Data Security and Agency Effectiveness*. Our concerns with the bill are technical in nature and while we do not fully understand the intended scope of the bill, we would like to offer some initial suggestions regarding its drafting and offer our assistance to the Committee.

LeadingAge Connecticut is not clear as to the intended focus of the bill, although we think that it is aimed at the data sharing that occurs from agency to agency and from agency to contractor. However, the way Section 1 is written suggests that only contractors that receive "confidential information" from a state contracting agency must comply with Section 1, but the definition of state contracting agency is not clear. Because of the lack of clarity, we would strongly recommend that the definitions be reviewed and revised to make it clearer as to whom the bill would apply.

We also are not sure that this proposal is necessary. There are already state breach notification requirements and this bill appears to be asking for duplicative requirements. There are also federal breach notification requirements that are imposed on health care providers by HIPAA that this proposal would conflict with and potentially duplicate. The bill language does say that HIPAA and other state law will continue to apply, but it does not say that the new law would be preempted by HIPAA or other state law, as we would recommend. Again, this needs clarification.

Finally, if it is the intent of the bill to be inclusive of health care providers whose electronic health records include private patient information (and who are subject to HIPAA regulation), the new state law would cause another problem in that it would mandate that data be stored on a server owned by the entity, but most health care providers' electronic health record systems are hosted by a third party.

LeadingAge Connecticut cannot support this bill as drafted. We do believe that it will impact post-acute and health care facilities serving older adults and therefore would be interested in further discussing the intent and the drafting of the bill if the proposal moves forward.

Thank you for this opportunity to submit testimony on this issue. Please consider us to be a resource to you as you consider this and other issues related to aging services.

Respectfully submitted,

**Mag Morelli, President**

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